



# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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LINDA S. ADAMS  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER  
GOVERNOR

Certified Mail: 7003 1680 0000 6167 5233

April 9, 2008

Mr. Joe Milligan  
Fire Chief  
Oxnard Fire Department  
251 South "C" Street  
Oxnard, California 93030

Dear Mr. Milligan:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, and Office of the State Fire Marshal conducted a program evaluation of the City of Oxnard Fire Department Certified Unified Program Agency (CUPA) on February 26 and 27, 2008. The evaluation was comprised of an in-office program review, and field oversight inspections, by State evaluators. The evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff. The Summary of Findings includes identified deficiencies, a list of corrective actions, program observations, program recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that the City of Oxnard Fire Department CUPA program performance meets or exceeds standards.

Cal/EPA also noted during this evaluation that the City of Oxnard Fire Department CUPA has worked to bring about a number of local program innovations, including: implementing an outstanding bi-lingual education and outreach program and being very proactive in seeking out ways for making continues improvements to their program. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program Web site to help foster a sharing of such ideas statewide.

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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at [jbohon@calepa.ca.gov](mailto:jbohon@calepa.ca.gov).

Sincerely,

[Original signed by Don Johnson]

Don Johnson  
Assistant Secretary  
California Environmental Protection Agency

Enclosure

cc/Sent via email:

Mr. Gary Sugich (Sent via Mail)  
Fire Marshal  
Oxnard Fire Department  
251 South "C" Street  
Oxnard, California 93030

Mr. Steve Mattern, CUPA Program Manager  
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cc/Sent via Email:

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**Linda S. Adams**  
Secretary for  
Environmental Protection

# California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment  
State Water Resources Control Board • Regional Water Quality Control Boards



**Arnold Schwarzenegger**  
Governor

## **CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS**

**CUPA:** **City of Oxnard Fire Department CUPA**

**Evaluation Date:** **February 26 and 27, 2008**

### **EVALUATION TEAM**

**Cal/EPA:** **JoAnn Jaschke**  
**OES:** **Fred Mehr**  
**OSFM:** **Francis Mateo**

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations, and examples of outstanding program implementation activities. Questions or comments can be directed to JoAnn Jaschke at (916) 323-2204.

### **Deficiency**

### **Corrective Action**

1	<p>The CUPA is not meeting the inspection frequency indicated in its Inspection and Enforcement Plan of once every two years for the business plan program, CalARP, and hazardous waste generators. This deficiency is primarily due to loss of staff. Overall, the CUPA is exceeding the minimum expected inspection frequency of one inspection every three years.</p> <p>CCR, Title 27, section 15200 (Cal/EPA)</p>	<p>The CUPA has already taken efforts to correct this deficiency by hiring new staff, tracking inspections, and instituting its training program to ensure field readiness of the newly hired personnel. The CUPA has indicated that it will maintain its goal of conducting routine inspections every two years.</p> <p>Additionally, the CUPA generates reports for past due inspections and future inspections to prioritize the workload monthly.</p> <p>Cal/EPA considers this deficiency corrected and will continue to monitor the progress via annual summary reports.</p>
2	<p>The Annotated Map does not have the required minimum fields. The map was missing:</p>	<p>The CUPA corrected this deficiency by incorporating the missing information into the Annotated Map.</p>

Certified Unified Program Agency (CUPA)  
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	1. Location of emergency response equipment. 2. Adjacent property use.  CCR, Title 19, section 2729.2 (a)(3) (OES)	
<b>3</b>	The CUPA emergency response plan does not have the required fields. The plan is missing: Mitigation, prevention, or abatement of hazards to persons, property, or the environmental.  HSC section 25503.3(b)(1) CCR, Title 19, section 2731 (OES)	The CUPA corrected this deficiency by incorporating the missing information into the emergency response plan.
<b>4</b>	The CUPA does not have a CalARP dispute resolution process.  CCR, Title 19, section 2780.1(a) (OES)	The CUPA corrected this deficiency by developing a CalARP dispute resolution process meeting all the requirements of Title 19, section 2780.1(a).

**CUPA Representative**

Steve Mattern  
\_\_\_\_\_  
(Print Name)

Original signed  
\_\_\_\_\_  
(Signature)

**Evaluation Team Leader**

JoAnn Jaschke  
\_\_\_\_\_  
(Print Name)

Original signed  
\_\_\_\_\_  
(Signature)

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

**PROGRAM OBSERVATIONS AND RECOMMENDATIONS**

*The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.*

1. **Observation:** The CUPA is implementing an effective enforcement program that is consistent and predictable. The CUPA has a standardized Business Plan Administrative Enforcement Procedure for ensuring businesses comply with the annual hazardous materials certification statement requirements. Additionally, the CUPA has established a general administrative enforcement order procedure for utilization across all programs – hazardous waste, hazardous materials, UST, and cost recovery. For FY 05/06 and 06/07 the CUPA has settled 23 cases. Lastly, the CUPA has a good working relationship with the City Attorney's Office. Their city attorney participates in the County Environmental Task Force meetings.

**Recommendation:** Continue initiating formal enforcement against regulated facilities with non-minor violations when necessary and reporting this on the Annual Enforcement Summary Report (Report 4) submitted to Cal/EPA.

2. **Observation:** The CUPA is not collecting enough fees from the regulated businesses to cover their expenses. Additionally, the hourly rate charged to the regulated businesses does not cover the true hourly cost occurred by the City of Oxnard. For FY 06/07, the CUPA experienced a budget deficit of \$100,670. In FY 05/06, the CUPA performed a fee study. The results of the study showed that the CUPA program is significantly undercharging for time spent implementing the program elements. Additionally, the CUPA established an administrative policy in June 2006, to seek financial compensation from the responsible party for activities associated with complaint investigation and emergency response oversight. California Statute, HSC sections 25404.5 (a) (2) and 25513, requires the governing body of the CUPA to establish the single fee system at a level sufficient to pay the necessary and reasonable costs incurred by the CUPA in implementing the program.

**Recommendation:** The CUPA should increase their fees as well as their hourly rate to cover the expenses necessary for achieving a stable program.

3. **Observation:** The shelter in place program information could be improved within CUPA program. During the oversight Business Plan inspection, the facility manager did not understand fully the shelter in place requirements.

**Recommendation:** The CUPA could improve their shelter in place program elements by creating a hand out for their regulated facilities that explains the shelter in place program requirements. Both the County of Contra Costa and the City of El Segundo have created a shelter in place hand out that the CUPA may want to utilize as examples to follow.

4. **Observation:** The CUPA's long version of the Emergency Response Plan and Training Plan notification section includes an outdated OES phone number.

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**Recommendation:** The CUPA should update the form to include the current OES's phone number, (916) 845-8911. (The 800 number on the document is correct.)

5. **Observation:** The CUPA annually certifies Inventory, Business Plans, Emergency Response Plans and Training Programs files that contain old and out dated forms.

**Recommendation:** When the CUPA updates to the new Unified Program forms, please update the Business Plans, Emergency Response Plans and Training Programs with current information.

6. **Observation:** The shelter in place program information within the Area Plan was insufficient in detail.

**Recommendation:** The CUPA should expand their shelter in place information within the Area Plan to include more detail.

7. **Observation:** During the file review, most of the inventory statements included Fire Code Hazard Classes of chemicals.

**Recommendation:** Continue including this information of the inventory statements.

8. **Observation:** All business plan documents are filed in the office as hard copies and electronic format. The CUPA uses CUPA DMS as the software for reporting, and database and information management.

**Recommendation:** Ensure that all related or interested agencies could use or be compatible with their software.

9. **Observation:** The CUPA currently regulates facilities that use or store more than 200 but less than 500 cubic feet of compressed CO<sub>2</sub>. According to the CUPA, it is developing an ordinance along with a fee package that will create a special fee for compressed gases at restaurants that store more than 200 but less than 500 cubic feet. Those sites that store 500 cubic feet or more will not be eligible for the fee reduction.

**Recommendation:** The CUPA should ensure that the regulated facilities have at a minimum employee awareness training or education regarding hazards of the material being used.

10. **Observation:** The Fire Department adopted the 2007 edition of the California Fire Code; however, the City Ordinance section in the City of Oxnard's website, references the old edition (2001) of the Fire Code.

**Recommendation:** The CUPA should ensure that the information in the City's website reflects the adoption of the new California Fire Code (2007).

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

**EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION**

1. The CUPA is very proactive in seeking out ways for making continues improvements to their program. Examples include:
  - Expanding the duties of the Materials Expeditor to include an increase in clerical duties, billing statements, business plan certification, letter processing, data entry, and collecting and managing the disposal of hazardous waste abandoned on city streets (this modification has given inspectors more field time and has lessened the inconsistency on data entered);
  - Coordinating a multi-media enforcement case involving the Wastewater Division and U.S. EPA;
  - Making modifications to their database tracking system to ensure the information tracked meets the ever shifting demands (the CUPA uses “CUPA DMS” a software which facilitates information processing and database management, billing, permits and reports);
  - Regularly meeting with the Ventura County Environmental Health Division, Ventura City Fire, and Santa Paula Fire to coordinate activities (standardization and consistency of permitting, inspection, hazardous materials/waste site mitigation, enforcement penalty assessment, and new legislation activities) and maintain consistency within the Unified Program;
  - Attending the bi-monthly CUPA Forum meeting to obtain information on current program issues;
  - Attending bi-monthly Ventura County Environmental Crimes Task Force meetings;
  - Maintaining a strong team environment that collectively establishes goals for the CUPA program; and
  - Creating a CalARP group e-mail distribution list to keep the CUPA’s interested parties updated on the CalARP program requirements.
2. The CUPA implements an outstanding bi-lingual education and outreach program. The CUPA recently revised the business plan certification cover letter to include Spanish on one side and English on the other side. In addition, newsletters are created with articles in both Spanish and English since Spanish is a predominate language in Oxnard. Additionally, the CUPA actively participates in public outreach events and community activities as a public service to educate the regulated community to ensure compliance with Unified Program requirements.
3. The CUPA works with Ventura County Environmental Health, and other nearby Fire or response agencies in emergency and hazardous materials emergency responses and disaster preparedness. In addition, the CUPA maintains a Hazardous Materials response vehicle equipped various monitoring instruments, hazard categorization kits, gas detection monitors and multiple response capabilities that include on-line database and information management, up-to-date geographical information systems with mapping and plume modeling capabilities.
4. The Standard Operating Guide (SOG) addresses the department’s administrative policy. Each policy is concise and well written that a reader can instantly understand the ordinance and obtain complete guidance from the one or two-page document.